

STATE OF NEVADA



COMMISSION ON ETHICS

COMMISSION PANEL DETERMINATION
REGARDING JUST AND SUFFICIENT CAUSE
NRS 281.511(3)

COMMISSION PANEL: RANDALL CAPURRO AND WILLIAM FLANGAS

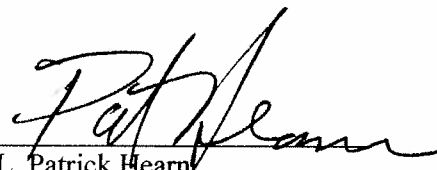
IN THE MATTER OF THE REQUEST FOR OPINION
CONCERNING THE CONDUCT OF
Michael J. Franzoia, Mayor,
City of Elko

Request for Opinion
No. 06-08

On February 12, 2007, pursuant to NRS 281.462, a Commission Panel reviewed the Executive Director's Report and Recommendations regarding Just and Sufficient Cause, the request for opinion filed herein, and all other documents related to this matter. The Panel determined that just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegation that Mr. Franzoia violated the provisions of NRS 281.481(1), NRS 281.481(2), NRS 281.481(5), NRS 281.481(7) or NRS 281.481(9). The Panel then dismissed the complaint. Specifically, the panel found no evidence of any act in violation of the Ethics in Government Law by Mr. Franzoia, in response to the allegations that he used his official position to obtain an unwarranted benefit for another person when he took custody of an intoxicated male juvenile at a public event and transported him home to his parents. The Panel also specifically found no evidence that Mr. Franzoia had "...a commitment in a private capacity to the interests of that person..." as that term is defined in NRS 281.501(8).

The Request for Opinion is, therefore, DISMISSED.

DATED: February 13, 2007

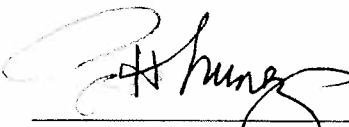

L. Patrick Hearn
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day at Carson City, Nevada, I placed a true and correct copy of the Commission Panel Determination Regarding Just and Sufficient Cause in an envelope and caused it to be sent via certified mail, addressed as follows:

Michael J. Franzoia, Mayor
City of Elko
1751 College Ave
Elko, NV 89801

Dated: February 14, 2007


Emily H. Nunez, Office Manager